

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
V.)	NO. 09-CR-10017-GAO
)	
TAREK MEHANNA)	
_____)	

**DEFENDANT'S MOTION TO UNSEAL HIS EX PARTE MOTION FOR FUNDS FOR
EXPERT AND CORRESPONDING COURT ORDER ALLOWING THE FUNDS**

Counsel for the defendant, Tarek Mehanna, moves this court
to:

- (i) Unseal the defendant's "Fourth Ex Parte Motion for Funds for Expert" (hereinafter "Motion"), dated January 26, 2011 and filed on or about the same date;
- (ii) Unseal the corresponding Court Order ("Order") allowing the funds for the expert identified in the Motion;
- (iii) Allow counsel for the defendant to obtain a copy of the Order to provide to the expert; and
- (iv) Allow the expert to use the Motion and Order for the expert's use in future employment (e.g., verifying his hourly rate).

As grounds therefor, counsel for the defendant states the following:

1. The defendant was charged with conspiring to provide material support to terrorists, in violation of 18 U.S.C. § 2339A and conspiring to provide material support to Al-Qaeda in violation of 18 U.S.C. § 2339B in 2009.

2. The defendant proceeded to trial in 2011. He was found guilty of the aforementioned charges and is now serving a prison sentence.

3. The defendant had several expert witnesses testify on his behalf, including Gregory Johnsen, an expert on the country of Yemen; a country the defendant had traveled to briefly.

4. Dr. Johnsen has been retained on other federal criminal cases, including a 2015 case before the United States District Court for the Eastern District of New York. Dr. Johnsen secured the same hourly rate in that case as he did for the defendant's case.

5. Dr. Johnsen would like a copy of the Motion and Order to help verify his Court-ordered and accepted expert hourly rate. These documents will help secure his expert hourly rate in other federal criminal cases.

6. As the Motion and Order are ex parte and filed under seal, counsel for the defendant are presently unable to provide the documents to Dr. Johnsen for his employment purposes.

7. The unsealing and production of the Motion and Order to Dr. Johnsen will not prejudice the defendant or the government. The trial concluded over six years ago and the documents do not contain any information that would be harmful to any of the parties.

WHEREFORE, the counsel for the defendant moves that this Court allow the motion for the reasons stated above.

TAREK MEHANNA
By his attorneys,

BASSIL & BUDREAU LLP

/s/Janice Bassil
Janice Bassil
B.B.O. # 033100
Bassil & Budreau LLP
20 Park Plaza, Suite 1005
Boston, MA 02116
617-366-2200

Dated: February 22, 2018

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on or before the above date.

/s/Janice Bassil
Janice Bassil

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AFFIDAVIT SUPPORTING
DEFENDANT'S MOTION TO UNSEAL HIS EX PARTE MOTION FOR FUNDS FOR
EXPERT AND CORRESPONDING COURT ORDER ALLOWING THE FUNDS

I, Janice Bassil, state that the following information is true to the best of my information and belief:

1. I am an attorney who had been appointed to represent the defendant in the above-captioned case.

2. The defendant proceeded to trial in 2011 and was found guilty of a number of crimes. He is currently serving a prison sentence in Illinois.

3. Several expert witnesses testified during the defendant's case-in-chief, including Gregory Johnsen.

4. Gregory Johnsen provided expert testimony regarding the country of Yemen during a pertinent time period.

5. Gregory Johnsen's hourly rate was allowed by this court on or about January 26, 2011.

6. I know that Gregory Johnsen secured the same hourly

rate in a federal criminal case before the United States District Court for the Eastern District of New York. I know this because I have reviewed the court order allowing his hourly rate.

7. It is my understanding that Gregory Johnsen needs the defendant's motion for funds regarding his services and the corresponding order to help secure his hourly rate for future employment opportunities, including potentially other federal criminal cases.

8. I do not have a copy of the Court's order allowing the funds for Gregory Johnsen in the defendant's case and am seeking a copy to provide to him.

9. I have reviewed our motion for Gregory Johnsen and do not believe it contains any sensitive or prejudicial information to the defendant or the government.

Signed under the penalties of perjury.

/s/Janice Bassil
Janice Bassil

Date: February 22, 2018

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**[PROPOSED] ORDER ON DEFENDANT'S MOTION TO UNSEAL HIS EX PARTE
MOTION FOR FUNDS FOR EXPERT AND CORRESPONDING COURT ORDER
ALLOWING THE FUNDS**

After review of the Defendant's Motion to Unseal his Ex Parte Motion for Funds for Expert and Corresponding Court Order allowing the Funds, it is hereby ordered:

- (i) The defendant's "Fourth Ex Parte Motion for Funds for Expert", dated January 26, 2011 and filed on or about the same date is hereby UNSEALED;
- (ii) The Order allowing funds for expert Gregory Johnsen is hereby UNSEALED;
- (iii) Counsel for the defendant may obtain a copy of the Order allowing funds for Gregory Johnsen to provide to him; and
- (iv) Gregory Johnsen may use the Motion and Order for his use in future employment (e.g., verifying his hourly rate).

So ordered.

Dated: _____

Judge George A. O'Toole, Jr.